

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

MICHAEL A. EPSTEIN

PHA 23,636A

SERIAL NO.: 10/615,154

GROUP ART UNIT: 2876

FILED: July 8, 2003

EXAMINER: E. Labaze

USAGE DEPENDENT TICKET TO PROTECT COPY-PROTECTED MATERIAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE UNDER 37 C.F.R. 1.116

This is in response to the Office Action mailed May 24, 2004, in which the Examiner finally rejected claims 1 and 27-29 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,708,709 to Rose; claims 2-6 and 8 under 35 U.S.C. 103(a) as being unpatentable over Rose in view of U.S. Patent 6,072,757 to Tajiri; and claims 7 and 30 under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Tajiri, and further in view of U.S. Patent 6,314,518 to Linnartz.

Applicant traverses the above rejections and offers the following explanations.

The Rose patent discloses a system and method for managing try-and-buy usage of application programs in which a plurality of user/client computers are connected via a network to an information

S:\GO\PS23G0E0.GOR

1